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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MIESHA OBIECHINA,)
)
Plaintiff,)
)
v.) Case No.)
)
CREDIT CONTROL SERVICES, INC., d/b/a)
CREDIT COLLECTION SERVICES,)
)
Defendant.)

PLAINTIFF'S COMPLAINT

Plaintiff, MIESHA OBIECHINA ("Plaintiff"), through her attorney, SHARON D. COUSINEAU, alleges the following against Defendant, CREDIT CONTROL SERVICES, INC., d/b/a CREDIT COLLECTION SERVICES ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act 15 U.S.C. § 1692, *et seq.* ("FDCPA").

- 1 2. Count II of Plaintiff's Complaint is based on the Telephone Consumer Protection Act., 47
2 U.S.C. § 227, *et seq.* ("TCPA").

3 **JURISDICTION AND VENUE**

- 4 3. This court has jurisdiction under 28 U.S.C. §§ 1331, 1337, and 1367, and 15 U.S.C.
5 § 1692k.
- 6 4. This court has federal question jurisdiction because this case arises out of violations of
7 federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).
- 8 5. Venue and personal jurisdiction in this District are proper because Defendant does or
9 transacts business within this District, and a material portion of the events at issue occurred
10 in this District.

11 **PARTIES**

- 12 6. Plaintiff is a natural person residing in the City of Seattle, King County, State of
13 Washington.
- 14 7. Plaintiff is a consumer as that term is defined by the FDCPA.
- 15 8. Plaintiff allegedly owes a debt as that term is defined by the FDCPA.
- 16 9. Defendant is a debt collector as that term is defined by the FDCPA.
- 17 10. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
- 18 11. Defendant is a Delaware-organized business corporation and national debt collection
19 agency headquartered in the Town of Norwood, Norfolk County, Commonwealth of
20 Massachusetts.
- 21 12. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding
22 account balances.
- 23 13. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
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1 14. During the course of its attempts to collect debts allegedly owed to third parties, Defendant
2 sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or
3 electronic mail, and initiates contact with alleged debtors via various means of
4 telecommunication, such as by telephone and facsimile.

5 15. Defendant acted through its agents, employees, officers, members, directors, heirs,
6 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

7 **FACTUAL ALLEGATIONS**

8 16. Defendant is attempting to collect an alleged consumer debt from Plaintiff that does not
9 belong to Plaintiff.

10 17. The alleged debt at issue arises from transactions for personal, family, and household
11 purposes.

12 18. Within the past year, Defendant began calling Plaintiff on Plaintiff's cellular telephone,
13 206-280-9547 attempting to reach an individual named "Directe Mason".

14 19. Defendant calls Plaintiff's cellular telephone from 603-363-1012, which is one of
15 Defendant's telephone numbers.

16 20. On several occasions since Defendant began calling Plaintiff, Plaintiff has told Defendant
17 that she does not know Directe Mason, Defendant has the wrong number, and has asked
18 Defendant to stop calling.

19 21. Most recently, but not limited to, April 18, 2018, Plaintiff spoke with Defendant's male
20 collector and informed him that she did not know Directe Mason, that Defendant had the
21 wrong number, and requested that Defendant stop calling her.

22 22. Despite Plaintiff's repeated requests, Defendant continued to place collection calls to
23 Plaintiff's cellular telephone number in an attempt to collect a debt that does not belong
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1 to Plaintiff.

2 23. When Plaintiff answered calls from Defendant, she was greeted by a pre-recorded message
3 before she was eventually connected to a live representative.

4 24. None of the calls Defendant made to Plaintiff were for an emergency purpose.

5 25. All of the calls Defendants made to Plaintiff's cellular telephone resulted in Plaintiff
6 incurring a charge for incoming calls.

7 26. During at least one conversation, Defendant learned that Plaintiff wanted Defendant to
8 stop calling Plaintiff's cellular telephone.

9 27. Plaintiff has never given to Defendant prior express consent to contact Plaintiff as
10 described herein.

11 28. Even if at one point Defendant had prior express consent to call Plaintiff's cellular
12 telephone, Plaintiff revoked this consent as described above.

13 29. Defendant continued to call Plaintiff's cellular telephone after Defendant knew Plaintiff
14 wanted the calls to stop.

15 30. Within four (4) years of Plaintiff filing this Complaint, Defendant used an ATDS to call
16 Plaintiff's cellular telephone.

17 31. The telephone dialer system Defendant used to call Plaintiff's cellular telephone has the
18 capacity to store telephone numbers.

19 32. The telephone dialer system Defendant used to call Plaintiff's cellular telephone has the
20 capacity to call stored telephone numbers automatically.

21 33. The telephone dialer system Defendant used to call Plaintiff's cellular telephone has the
22 capacity to call stored telephone numbers without human intervention.

23 34. The telephone dialer system Defendant used to call Plaintiff's cellular telephone has the
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capacity to call telephone numbers in sequential order.

35. The telephone dialer system Defendant used to call Plaintiff's cellular telephone has the capacity to call telephone numbers randomly.

36. The telephone dialer system Defendant used to call Plaintiff's cellular telephone selects telephone numbers to be called according to a protocol or strategy entered by Defendant.

37. The telephone dialer system Defendant used to call Plaintiff's cellular telephone simultaneously calls multiple recipients.

38. As a result of Defendant's alleged violations of law by placing these automated calls to Plaintiff's cellular telephone without prior express consent, Defendant caused Plaintiff harm and/or injury such that Article III standing is satisfied in at least the following, if not more, ways:

- a. Invading Plaintiff's privacy;
- b. Electronically intruding upon Plaintiff's seclusion;
- c. Intrusion into Plaintiff's use and enjoyment of her cellular telephone;
- d. Impermissibly occupying minutes, data, availability to answer another call, and various other intangible rights that Plaintiff has as to complete ownership and use of her cellular telephone; and
- e. Causing Plaintiff to expend needless time in receiving, answering, and attempting to dispose of Defendant's unwanted calls.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

39. Defendant violated the FDCPA based on the following:

- a. Defendant violated § 1692b(3) of the FDCPA by contacting Plaintiff more than once;
- b. Defendant violated § 1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt, when Defendant continued to call Plaintiff

1 after Plaintiff repeatedly informed Defendant it had the wrong number and
2 requested Defendant stop calling her;

3 c. Defendant violated § 1692d(5) of the FDCPA by causing a telephone to ring or
4 engaging any person in telephone conversation repeatedly or continuously with
5 intent to annoy, abuse, or harass any person at the called number, when Defendant
6 continued to call Plaintiff after Plaintiff repeatedly informed Defendant that it had
7 the wrong number and requested Defendant stop calling her;

8 d. Defendant violated § 1692e of the FDCPA by its use of any false, deceptive, or
9 misleading representation or means in connection with the collection of any debt,
10 when Defendant attempted to collect a debt from Plaintiff that she does not even
11 owe;

12 e. Defendant further violated § 1692e of the FDCPA by its use of any false, deceptive,
13 or misleading representation or means in connection with the collection of any debt
14 when Defendant created the false impression on Plaintiff that Defendant was
15 permitted to call Plaintiff with impunity despite Plaintiff's request for the
16 Defendant to stop calling her;

17 f. Defendant violated § 1692e(10) of the FDCPA by using any false representation
18 or deceptive means to collect or attempt to collect any debt when Defendant when
19 Defendant created the false impression on Plaintiff that Defendant was permitted
20 by law to continue to call Plaintiff with impunity despite Defendant being told to
21 stop calling Plaintiff;

22 g. Defendant violated § 1692f of the FDCPA by its use of unfair or unconscionable
23 means to collect or attempt to collect any debt, when Defendant engaged in all of
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1 the foregoing misconduct.

2 WHEREFORE, Plaintiff, MIESHA OBIECHINA, respectfully requests judgment be
3 entered against Defendant, CREDIT CONTROL SERVICES, INC., d/b/a CREDIT
4 COLLECTION SERVICES, for the following:

5 40. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
6 U.S.C. 1692k;

7 41. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
8 15 U.S.C. 1692k; and

9 42. Any other relief that this Honorable Court deems appropriate.

10 **COUNT II**
11 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

12 43. Plaintiff repeats and re-alleges paragraphs 1-38 of Plaintiff's Complaint as the allegations
13 in Count II of Plaintiff's Complaint.

14 44. Defendant's conduct violated the TCPA by:

- 15 a. Placing non-emergency telephone calls to Plaintiff's cellular telephone using an
16 automatic telephone dialing system and/or pre-recorded or artificial voice in
17 violation of 47 U.S.C. § 227 (b)(1)(A)(iii).

18 WHEREFORE, Plaintiff, MIESHA OBIECHINA, respectfully requests judgment be entered
19 against Defendant, CREDIT CONTROL SERVICES, INC., d/b/a CREDIT COLLECTION
20 SERVICES, for the following:

21 45. As a result of Defendant's negligent violations of 47 U.S.C. 227(b)(1), Plaintiff is entitled
22 to and requests \$500 in statutory damages, for each and every violation, pursuant to 47
23 U.S.C. § 227(b)(3)(B).
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1 46. As a result of Defendant's willful and/or knowing violations of 47 U.S.C. § 227(b)(1),
2 Plaintiff is entitled to and requests treble damages, as provided by statute, up to \$1,500,
3 for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B) and 47 U.S.C.
4 227(b)(3)(C).

5 47. Plaintiff is entitled to and seeks injunctive relief prohibiting such conduct in the future.

6 48. Any other relief that this Honorable Court deems appropriate.

7 DATED: April 16, 2019

RESPECTFULLY SUBMITTED,

8
9 By: /s/Sharon D. Cousineau

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